

**COUNTY OF LOUDOUN
PROFFER MATRIX TEAM**

MEMORANDUM

DATE: April 7, 2009

TO: Stephen Gardner, Project Manager

FROM: Proffer Referral Team

THROUGH: Daniel Csizmar, Capital Facilities Planner

SUBJECT: **Proffer Referral Comments**
(ZMAP-2006-0011, Stone Ridge Commercial)

This memorandum is in response to your request for comments regarding the revised proffer statement submitted for ZMAP-2006-0011, Stone Ridge Commercial. This referral represents the combined comments of all County Departments with capital facility planning responsibilities.

[Proffer I.C.1.a] The proffer statement references Land Bay EE2B, but the Concept Development Plan (CDP) does not label any portion of Land Bay EE2 as "Land Bay EE2B". Please make sure the CDP labels Land Bay EE2A and Land Bay EE2B.

[Proffer I.E.b and Proffer III.F] Please note, the County's Capital Facility Standard for Fire & Rescue Stations is 5 acres. The proffered Public Use Site in Land Bay 8 is approximately 3.37 acres. The proffered site does not meet the County's capital facility standards for a Fire & Rescue Station; therefore, the Applicant is not eligible to receive a capital facility credit for the proffered site. Please revise these sections of the proffer statement to eliminate the capital facilities credit for the Public Use Site in Land Bay 8.

[Proffer II.B] In the 2nd to last sentence of the 2nd paragraph under the title "Right-Of-Way Dedication and Construction", please revise the proffer statement to state, "With regard to phasing, all Phase I and Phase II road improvements set forth in attached Exhibit B, entitled "Stone Ridge Phasing Plan", shall be constructed or bonded for construction prior to the issuance of any zoning permits for the residential units in Land Bays 1, 2, 3, 4 or 5."

[Proffer III.C] Please revise the 2nd sentence of proffer III.C, "Library Site", to state, "Such library space shall be located on the first two floors (approximately 20,000 square feet per floor with separate first floor entrance for entry control and security purposes) of a four-story office building to be constructed on Land Bay FF2A."

Typically, all County-owned facilities and public use sites proffered to the County are excluded from any Owner's Associations. In this case, the County is being proffered a portion of an office building proposed to be within an office condominium. Please consult with the Office of the

County Attorney to review the Condominium Association documents and agree to their provisions prior to the approval of this zoning amendment application.

[Proffer III.G] Please revise the proffer statement to provide that “The Owner shall convey to Loudoun County Land Bay 8, shown on Sheet 4 of the CDP, within 60 days of the County’s request for conveyance of the Public Use Site. The County may request conveyance of the Public Use Site immediately upon approval of ZMAP-2006-0011.”

The County requires flexibility in the future use of the Public Use Site. The County is not in favor of accepting a site where its ability to use the site is limited or restricted. Please revise the proffer statement to state the Applicant’s preference for the Public Use Site to be developed by the County as a Fire & Rescue Station. The ultimate use of the Public Use Site is at the discretion of the County. The proffer statement should not state what the site will be developed as, but rather, the Applicant’s preference for development of the Public Use Site by the County.

Please note that the required acreage for a Fire and Rescue Station site is five (5) acres. The proposed proffered site of 3.37 acres does not meet the County’s capital facility standard for Fire & Rescue Stations. The site contains a small area of moderately steep slopes as well as both floodplain and wetlands. As a result, the useable acreage has been reduced to approximately 2.5 acres once all setbacks and environmental constraints are established. The southern constraints along the frontage of Tall Cedars Parkway include a 14’ trail easement, 35’ parking setback and a 75’ building setback. The western constraints include the floodplain and its associated 50’ management buffer. The northern boundary line is hindered by the mapped wetlands while the eastern boundary requires a 25’ parking and building setback. The property slopes toward the northwest at an average rate of 5-7% for approximately 230 feet prior to a steeper slope toward the designated wetlands. These physical constraints limit the County’s ability to develop the site as a Fire & Rescue Station.

Please revise the proffer statement to address the following concerns regarding the Public Use Site:

1. The timeframe in which Millstream Drive would be relocated.
2. The ultimate elevation of Millstream at the proposed entrance to the facility for evaluation of grading impacts. Site development may require a minor retaining wall along the northern slope.
3. The current layout accounts for a site elevation delta of approximately 12’. The current layout would require approximately 6’ of cut adjacent to Tall Cedars with 6’ of fill along the northern side adjacent to the wetlands.
4. Final storm water management requirements required for the site and any impacts that relocated Millstream would have on drainage.
5. Due to the extensive forest cover, buffering requirements should be minimal so long as selective clearing is imposed.
6. The site will most likely accommodate only one entrance onto Millstream which would have to be shared by Fire and Rescue operations as well as the public.

The proffer statement needs to stipulate that all permanent water and sewer, and underground

telephone, electric, gas, cable, broadband and telecommunication lines will be provided to the proffered Public Use Site, at no cost to the County, prior to dedication of the site to the County. To ensure all public water and sewer are being provided to the site at no cost to the County, Staff requests that the Applicant pay for all tap fees and hookup charge backs to access the public water and sewer systems at the Public Use Site.

Please note, that the County requests that the Applicant not use the proffered public use site for staging, dumping, or other activities prior to conveyance of the site to the County. The County intends to receive dedication of the site upon approval of the rezoning application and would request that the Applicant not disturb the property until conveyance is finalized. No activity should take place on the proffered Public Use Site prior to dedication to the County. The County needs to ensure that no dumping, stockpiling of construction debris or other harmful materials is occurring on the site prior to conveyance.

The proffer statement needs to stipulate that the proffered Public Use Site will be excluded from the Owner's Association.

The Applicant's proffered site will be evaluated for suitability by the County against Loudoun County's Usable Land Criteria for Public Use Sites, and must meet these Criteria. The Criteria are available upon request from the County's Office of Capital Construction. The usable acreage must be exclusive of the encumbrances and conditions listed in the Criteria. The Applicant shall prepare and issue a report that demonstrates that the proposed site meets each of the Criteria.

[Park & Ride Lot] Please note, the County's Capital Improvements Program (CIP) calls for the expansion of the current Park & Ride Lot at Stone Ridge in the FY 09-14 timeframe. The expansion project calls for the County to "Acquire a minimum of 2.5 buildable acres to expand the capacity of the 250-space proffered lot at Stone Ridge. It is initially assumed that 100 additional spaces will be constructed. This expansion would increase park-and-ride capacity for citizens in Stone Ridge and along the Route 50 corridor."

From the County's perspective, the ideal location for the expansion of the Stone Ridge Park and Ride Lot is directly across Millstream Drive from the current Park and Ride Lot in Land Bay EE2. This location would allow for the expansion of the current lot, without having to add additional stops for the commuter busses to make within the Stone Ridge development. The County requests that the Applicant consider proffering an additional 100 parking spaces in the immediate vicinity of the current Park and Ride Lot to accommodate additional patrons of the Commuter Bus Service.

The design of park-and-ride lots is to be consistent with the County's goal for a high-quality, pedestrian-friendly, and environmentally-sensitive setting. Park and ride lots are to be located near major arterial and collector roads. Lots will be linked to surrounding neighborhoods by sidewalks and bicycle facilities. Adequate lighting provides for the safety of commuters and landscaping ensures attractiveness and environmental sensitivity.

Park-and ride lots in the towns and the Suburban Policy Area will be located along or at the

intersection of arterial or major collector roads, near activity centers such as commercial or mixed-use centers, schools, or other destinations, at transit stops, or in other safe and secure locations that provide convenient access. They should be connected by sidewalks or shared pathways to enable carpoolers and pedestrians to walk to the lot. These park-and-ride lots should receive priority consideration for the installation of bicycle lockers and racks.

The general location of the facility is to be depicted on the CDP, and the Proffer Statement must indicate that the location of the proposed Park & Ride facility will be reviewed and accepted by County Staff prior to Site Plan approval. If the facility is not dedicated to the County, the County requests that the Applicant provide public access easements on the Park & Ride facility. Language should be included related to the ongoing maintenance of the lot to include lighting, bus shelter maintenance, asphalt/pavement, pavement markings, and snow removal.

The applicant may claim a credit towards their regional transportation contribution for constructing the park & ride facility. If the applicant uses funds associated with another proffered cash contribution towards the construction of the facility, the applicant must subtract the amount of the outside proffered funds used from their regional transportation contribution credit.

[HOA] Please stipulate that all sidewalks and trails, other than those located on the Public Use Site, will be maintained by the Homeowner's Association (HOA). The HOA will also be responsible for the maintenance and landscaping of all common areas and open space, trash removal and recycling services, snow removal, and the maintenance of private roads.

[Recycling] Recycling is mandatory in Loudoun County per Chapters 1084 and 1086 of the Loudoun County Codified Ordinance. Building design should include consideration for inside and outside storage of solid waste and recyclable materials to ensure future residents/commercial tenants are able to comply with the County recycling requirements. For non-residential establishments, Chapter 1084.08 (d) sets the minimum required storage capacity for recyclables at 25% of, and in addition to, the total planned solid waste storage capacity.

Additionally, developers and contractors are encouraged to establish a recycling plan for recyclable materials that will be generated during land clearing, construction and demolition.

[Litter Control and Prevention] Construction sites are required to have separate receptacles for construction waste and workers' litter per Chapter 1088.08(b) of the Loudoun County Codified Ordinance.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.